

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

BRUCE WAYNE HOUSER	§	
VS.	§	CIVIL ACTION NO. 1:07cv173
ANITA R. BREAUX, ET AL	§	

MEMORANDUM   OPINION

Plaintiff Bruce Wayne Houser, an inmate at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against several prison employees. Plaintiff has filed a motion seeking leave to proceed with this lawsuit on an *in forma pauperis* basis.

## Discussion

Title 28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints on an *in forma pauperis* basis. Section 1915(g) provides as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action [*in forma pauperis*] ... if the prisoner has, on three or more occasions ... brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.


Prior to the date on which he filed this lawsuit, at least three lawsuits and appeals filed by plaintiff were dismissed as

frivolous or for failure to state a claim.<sup>1</sup> The allegations set forth in plaintiff's complaint do not demonstrate that he is in "imminent danger of serious physical injury." Section 1915(g) therefore bars plaintiff from proceeding further with this lawsuit on an *in forma pauperis* basis.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). A final judgment shall be entered in accordance with this memorandum opinion.

**SIGNED** this the 17 day of April, 2007.

  
Thad Heartfield  
United States District Judge

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<sup>1</sup> *Houser v. Armstrong*, No. 6:98cv239 (W.D. Tex. Mar. 30, 1999), No. 99-50387 (5th Cir. Apr. 11, 2000) (appeal dismissed as frivolous); *Houser v. Mooneyham*, No. 6:99cv370 (W.D. Tex. Dec. 27, 2000) (dismissed for failure to state a claim), No. 01-50112 (5th Cir. Aug. 22, 2001) (appeal dismissed as frivolous); *Houser v. Wathen*, No. 7:01cv222 (N.D. Tex. Jan. 31, 2003) (dismissed as frivolous); and *Houser v. Parker*, No. 7:02cv107 (N.D. Tex. Nov. 15, 2002) (dismissed as frivolous).